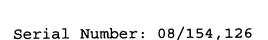


UNITED STAKES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Weshington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
08/154.126	5 11/18/93	KAMIGUCHI		
50,104.120	11/10/93	RAMIGUCHI	M	392.1290C
			L. HEITBRIN	EXAMINER
CT 44 C		13M1/1007		
STAAS & HA	ALSEY VTH ST. N.W.	CULTE 500	ART UNIT	PAPER NUMBER
WASHINGTON	DC 20001	SUITE 500		13
			1307	
			DATE MAILED:	10/07/94
This is a communication COMMISSIONER OF I	n from the examiner in PATENTS AND TRADE	charge of your application. MARKS		10/0//94
This application ha	s been examined	Responsive to communication filed on_	11-18-93	This action is made final
A shartaned state to		7		
A snortened statutory p Failure to respond withi	eriod for response to the	is action is set to expire month(see will cause the application to become aband	s),days fro	om the date of this letter.
			doned. 35 U.S.C. 133	
Part I THE FOLLOW	ING ATTACHMENT(S)	ARE PART OF THIS ACTION:		
1. Notice of Re	ferences Cited by Exar			
3. Notice of Art	Cited by Applicant, PT		lotice of Draftsman's Pa	tent Drawing Review, PTO-948.
5. Information	on How to Effect Drawn	O-1449. 4. IN No. 10 No	lotice of Informal Patent	Application, PTO-152.
Part II SUMMARY O		, on_goo, 10 1474.		•
. []	1-10			•
1. Lu Claims	112			are pending in the application.
Of the ab	ove, claims		are	withdrawn from consideration.
2. Claims				have been cancelled.
3. Claims				_ are allowed.
4. Claims / —	12			_ are rejected.
5. Claims	<u>.</u>			are objected to.
7. This application	has been filed with info	rmal drawings under 37 C.F.R. 1.85 which ar	re acceptable for exami	nation purposes.
8. Formal drawings	are required in respon	se to this Office action.		
9. The corrected or are acceptab	r substitute drawings ha le; 🛘 not acceptable (s	rve been received on see explanation or Notice of Draftsman's Pate	. Under 37 C. ent Drawing Review, PT	F.R. 1.84 these drawings O-948).
10. The proposed a examiner; did	dditional or substitute s sapproved by the exam	heet(s) of drawings, filed on tiner (see explanation).	has (have) been	approved by the
		, has been appro		
12. Acknowledgeme	nt is made of the claim arent application, seria	for priority under 35 U.S.C. 119. The certifie I no; filed on;	d copy has Deen red	ceived not been received
13. Since this applica accordance with	ation apppears to be in the practice under Ex p	condition for allowance except for formal mat arte Quayle, 1935 C.D. 11; 453 O.G. 213.	ters, prosecution as to t	he merits is closed in
44 Daws				



Art Unit: 1307

1. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

Claims 9-12 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

These claims contain a mathematical algorithm wherein the steps of sampling and storing do not make the claims statutory. See Ex parte Akamatsu, 22 USPQ2d 1915; In re Freeman 197 USPQ 464; and Abel 214 USPQ 687. This rejection would be overcome by specifically claiming a step and operation of injection molding.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3. Claim 10 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by European Patent Application 299,085 to Hara.
- 4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in

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section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1-9, 11 and 12 are rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Application 299,085 to Hara.

Hara discloses a process essentially equivalent to that claimed except for the type of change performed on the injection pressure waveform. It would have been obvious to a person of ordinary skill in that art to form a curved or straight line between two points on the pressure waveform because the adjusting of the injection pressure is well known to those of ordinary skill in the art. The injection and hold stages in Hara are similar to applicants injection/dwell stage.

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The periodically detecting of pressure and storing the detected pressure in a memory with a time address would have been obvious in Hara because the waveform graph in Hara would require the storing of the information which is graphed.

The rejection under 35 U.S.C. 112, first paragraph, has been withdrawn since applicant states that the specific modification performed to the waveform would have been known to on of ordinary skill in the art or determined by trial-and-error.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill Heitbrink whose telephone number is (703) 308-0673.

JILL L. HEITBRINK PRIMARY EXAMINER ART UNIT 137

Jell Heitbrink

JLH September 30, 1994